

MINUTES OF THE MEETING OF THE  
BAR - BENCH - MEDIA CONFERENCE

The fifth meeting of the Bar-Bench-Media Conference was held on Thursday, February 28, 1991 at 3:00 p.m. in the Delaware Supreme Court Conference Room in Wilmington. The meeting was opened to the public. Notice of the meeting had been posted. David L. Finger, Esquire was in attendance. No other members of the public were in attendance. The members of the Conference in attendance were:

Members from the Print News Media

Mr. Henry Freeman  
Ms. Judith Roales  
Mr. John H. Taylor  
Ms. Rita K. Farrell  
Mr. James Flood

Members from the Electronic News Media

Mr. Allan R. Loudell  
Mr. Michael Sigman  
Ms. Marilyn Buerkle  
Mr. William D. Osborne

Members from the Bench

Justice Randy J. Holland  
Vice Chancellor Jack B. Jacobs  
President Judge Henry duPont Ridgely  
Judge Jay James

Members from the Bar

Howard M. Handelman, Esquire  
Kathleen Jennings, Esquire

The meeting was opened by the Chairman, Howard M. Handelman. The minutes of the December 5, 1990 meeting were reviewed and were unanimously approved.

The first item on the agenda was the issue of whether to conduct a workshop on the courts and the law. After a long discussion, the Conference approved a one day seminar. A sub-

committee was appointed to propose a program format and agenda. Justice Holland was appointed as the Bench representative and as chairman of the sub-committee, Mr. Freeman was appointed as the print news media representative, Mr. Loudell was appointed as the electronic news media representative and Ms. Jennings was appointed as the Bar representative. Mr. Freeman said that he would canvass the media to get their input as to the workshop prior to the meeting of the sub-committee.

The next agenda item was a review of the Guidelines for the Reporting of Criminal Proceedings. Guidelines A, B and C were approved as previously written. There was no discussion on guidelines D and E, and the discussion focused on Guideline F. Mr. Sigman said that he had requested information covered by Guideline F from the police and was unable to obtain that information. The Conference discussed the issue of when criminal justice information becomes public and whether the Conference should be concerned with police policies as to information access. The Conference decided that until papers were filed in a court and a case was actually opened that the Conference could not become involved in any disputes concerning access to information solely in the control of police agencies. It was noted that any papers filed with a court are court records which are generally open to the public within 24 hours of the arrest of a suspect. The Conference discussed inserting the word "generally" into Guideline F, but the Conference decided to put the word "generally" in numbered paragraph 1 of Section II. Paragraph 1 would read: "In a criminal proceeding,

after charges have been brought, it is generally appropriate for the following information to be made public: . . . ."

Guideline H was the next topic of discussion. Mr. Taylor indicated, as a representative of the media, that he found this guideline to be inappropriate since it had a tone of preaching. Mr. Taylor said the media had been responsible in protecting the identities of rape victims and the Guideline was unnecessary. There was general agreement that the media had been responsible in protecting the identity of rape victims. Ms. Jennings indicated that some language protecting the identity of rape victims should be included in the Guidelines. She said many victims were concerned that their names might be released and that she had been able to tell them that the media would not release their names under the Guidelines. The Conference discussed the recent release of a rape victim's name in another jurisdiction and whether this indicated a trend.

The discussion on the publication of the names of rape victims shifted into a discussion of whether the Guidelines for Reporting Criminal Proceedings were necessary. A motion was made to adopt only the Statement of Principles that had been previously approved and not to go any further with a written document outlining guidelines. Members of the media indicated that they need to retain their discretion as to what they would and would not publish. There was a discussion concerning whether written guidelines would be unenforceable and whether they would be an attempt to tell the media how to do their jobs. Members of the

Conference talked about the value of putting something in writing to give the public their thoughts on the roles of the Bench, Bar and Media. It was pointed out that the Bench and Bar were governed by specific codes of conduct and that the various media entities were not bound by a common code of conduct. It was decided that discussion of the Guidelines would continue and an attempt to draft a set of written Guidelines would be made. At the end of the process, the Conference would decide what, if anything, to do with the Guidelines. Mr. Taylor withdrew his motion.

As to Guideline H, the following language was discussed and approved. Guideline H should read "The media may decide, in its discretion, not to publish public information such as names of rape victims."

At the conclusion of the meeting, Mr. Handelman advised the Conference that the next meeting would be on April 25, 1991 at 2:30 p.m. in Dover at a site to be determined at a later date. Mr. Handelman invited members to submit agenda items to him 10 days prior to April 25 in order that he could prepare an agenda for circulation to the Conference. The meeting was adjourned.

Respectfully submitted,

Mary Pat Tristle  
by Stephen D. Taylor

May 31, 1991